

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2014-002527-003 DT

09/07/2016

HONORABLE DANIELLE J. VIOLA

CLERK OF THE COURT
D. McGraw
Deputy

STATE OF ARIZONA

VANESSA MARIE CUEVAS

v.

STEPHEN PAUL LACY (003)

JON MARTINEZ
MELISSA M ZABOR

OFFICE OF PUBLIC DEFENSE
SERVICES-CCC

TRIAL MINUTE ENTRY
DAY 14

Courtroom 7A South Court Tower

State's Attorney:	Vanessa Cuevas
Defendant's Attorney:	Jon Martinez
Defendant:	Present

Court Reporter, Jovanna Roman, is present.

A record of the proceedings is also made digitally.

10:44 a.m. Trial to a jury continues from September 6, 2016.

The jury is not present.

Trial in this cause number is held concurrently with the trial in Co-Defendant Cary Barfield's cause number CR2014-002527-001, Co-Defendant Adam Barfield's cause number CR2014-002527-002, and Co-Defendant Robert McLaughlin's cause number CR2014-002527-004; a separate minute entry issues as to each Co-Defendant.

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Counsel for the State advises the Court that witness Tiphany Finklea is present; however, the witness was not arrested pursuant to the material witness warrant that issued on August 30, 2016.

The Court addresses Ms. Finklea. The Court directs Ms. Finklea to appear in accordance with the subpoena and reminds Ms. Finklea of the sanctions she faces should she fail to appear.

There being no objection by the parties,

IT IS ORDERED quashing the material witness warrant issued against Tiphany Finklea, (date of birth May 31, 1990) on August 30, 2016. (See below.)

Ms. Finklea is directed to remain near the courtroom for the remainder of the day and to return to the courtroom on September 8, 2016, by 10:30 a.m., unless she is excused by the Court.

Both sides announce ready.

10:53 a.m. The jury is present.

The State's case continues.

Carl Ramirez resumes the stand and testifies further.

The witness makes an in-court identification of Defendant (003) Stephen Paul Lacy.

The witness makes an in-court identification of Co-Defendant (004) Robert Michael McLaughlin.

The witness makes an in-court identification of the Defendant.

11:58 a.m. The jury is reminded of previous admonitions and is excused from the courtroom. Court remains in session.

Discussion is held regarding legal issues related to the identification of Co-Defendant (002) Adam Barfield.

12:03 p.m. Court stands at recess.

LET THE RECORD REFLECT that the Sheriff's Office was contacted and the warrant is quashed under CR2014-002527-003, and is flagged to be quashed under CR2014-002527-001,

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CR2014-002527-002, and CR2014-002527-004, per Monica, at 12:20 p.m. on September 7, 2016.

State's exhibit 279 is marked for identification.

1:33 p.m. Court reconvenes with the Defendant and respective counsel present.

Court Reporter, Jennifer Church, is present.

A record of the proceedings is also made digitally.

The jury is not present.

Discussion is held regarding legal and procedural issues.

Carl Ramirez testifies outside of the presence of the jury.

Arguments are presented.

The Court sets forth its ruling on the record regarding the identification issue.

Pursuant to the stipulation of the parties, the date of birth, FBI number and SDI number shall be redacted from the photograph of Adam Barfield.

State's exhibit 279.001, having been removed from State's exhibit 279, is marked for identification and is received in evidence for appellate purposes only, not to go to the jury during deliberations.

A copy of the photograph contained within 279.001, shall be redacted as set forth above.

Discussion is held regarding counsel for Defendant Lacy's oral motion to appoint counsel to represent witness Tiphany Finklea.

The Court directs Ms. Finklea to complete a financial affidavit for the Court's consideration.

2:27 p.m. Court stands at recess.

State's exhibit 280 is marked for identification.

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2:47 p.m. Court reconvenes with the Defendant and respective counsel present.

Court Reporter, Jennifer Church, is present.

A record of the proceedings is also made digitally.

The jury is not present.

Counsel for the State advises the Court that Ms. Finklea has completed the financial affidavit and has indicated that she does not wish to have an attorney appointed on her behalf.

Discussion is held regarding the Defense's request to have counsel appointed for Ms. Finklea.

THE COURT FINDS witness Tiphany Finklea indigent.

IT IS ORDERED that counsel be appointed through the Office of Public Defense Services to represent witness Tiphany Finklea.

FILED: Financial Statement of witness Tiphany Finklea

Both sides announce ready.

3:04 p.m. The jury is present.

Carl Ramirez resumes the stand and testifies further.

State's exhibit 280 is received in evidence.

3:52 p.m. The jury is reminded of previous admonitions and is excused from the courtroom. Court stands at recess.

4:09 p.m. Court reconvenes with the Defendant and respective counsel present.

Court Reporter, Jennifer Church, is present.

A record of the proceedings is also made digitally.

The jury is not present.

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Arguments are presented on a legal issue raised during a bench conference.

The Court sets forth its ruling on the record.

Both sides announce ready.

4:18 p.m. The jury is present.

Carl Ramirez resumes the stand and testifies further.

4:30 p.m. The jury is reminded of previous admonitions and is excused from the courtroom. Court remains in session.

Discussion is held regarding legal issues related to questions asked by the Defense of witness Carl Ramirez.

Discussion is held off of the record regarding scheduling issues.

LET THE RECORD REFLECT that Tiphany Finklea is present with court-appointed counsel Melissa Zabor.

The Court addresses Ms. Finklea and ascertains that Ms. Finklea has agreed to be represented by Ms. Zabor.

The Court directs Ms. Finklea to return to the courtroom by 1:30 p.m. on September 8, 2016.

4:42 p.m. Court stands at recess until **September 8, 2016, at 10:30 a.m.**